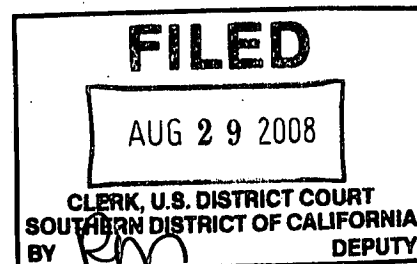
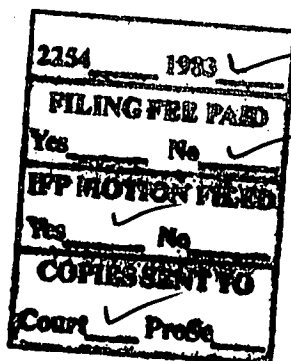


(Name)
BOBBY SHAWN JANOE
 (Address)
CSATF/SP
P.O. BOX 5244
 (City, State, Zip)
CORCORAN CA 93212
 (CDC Inmate No.)
J25333



United States District Court
 Southern District of California

BOBBY SHAWN JANOE,
 (Enter full name of plaintiff in this action.)

Plaintiff,

v.

K. RASKE,

(Enter full name of each defendant in this action.)

Defendant(s).

'08 CV 1603 L CAB

Civil Case No. _____

(To be supplied by Court Clerk)

Complaint Under the
 Civil Rights Act
 42 U.S.C. § 1983

A. Jurisdiction

Jurisdiction is invoked pursuant to 28 U.S.C. § 1343(a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional authority, list them below.

B. Parties

1. Plaintiff: This complaint alleges that the civil rights of Plaintiff, **BOBBY SHAWN JANOE**
 (print Plaintiff's name)
 , who presently resides at **CORCORAN STATE PRISON**
 (mailing address or place of confinement)
 , were violated by the actions
 of the below named individuals. The actions were directed against Plaintiff at

CALIPATRIA STATE PRISON on (dates) **11/2006** ,
 (institution/place where violation occurred) (Count 1) (Count 2)

2. Defendants: (Attach same information on additional pages if you are naming more than 4 defendants.)

CR

Defendant K. RASKE

(name)

resides in

N/A

(County of residence)

and is employed as a LIBRARY TECHNICAL ASSISTANT

(defendant's position/title (if any))

This defendant is sued in

his/her ☒ individual ☐ official capacity. (Check one or both.) Explain how this defendant was acting

under color of law: I was requesting access to the law library, as I had an Appeal in State Court pending, Superior Court case no. L-01506. The Appellate Division case no. AP-L-01506-0086, but K. RASKE would not issue me a ducat pass to access the law library whole month of August 2006. My Appeal was dismissed because I could not file opening brief.

Defendant

(name)

resides in

(County of residence)

and is employed as a

(defendant's position/title (if any))

This defendant is sued in

his/her ☐ individual ☐ official capacity. (Check one or both.) Explain how this defendant was acting

under color of law:

Defendant

(name)

resides in

(County of residence)

and is employed as a

(defendant's position/title (if any))

This defendant is sued in

his/her ☐ individual ☐ official capacity. (Check one or both.) Explain how this defendant was acting

under color of law:

Defendant

(name)

resides in

(County of residence)

and is employed as a

(defendant's position/title (if any))

This defendant is sued in

his/her ☐ individual ☐ official capacity. (Check one or both.) Explain how this defendant was acting

under color of law:

C. Causes of Action (You may attach additional pages alleging other causes of action and the facts supporting them if necessary.)

Count 1: The following civil right has been violated: Access to the Courts.

(E.g., right to medical care, access to courts,

due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 1. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, by name, did to violate the right alleged in Count 1.]

1) K. RASKE was the library technical assissant on A yard facility at Calipatria State Prison(CSP), and as such she would carry out the duties of that position, to include receiving law library request forms from prisoners and process them on a daily basis and assign a time for that prisoner to access the law library, within seven (7) working days, and prepare a list of prisoner names who were scheduled for law library access and ensure the delivery of that list of prisoner names to the Inmate Assignment Office, so that the clerks working in that office could include those prisoner names on the next days Daily Movement sheet (DMS). CSP Department of Memoranduns(DOM) Supplement, Operational Supplement section 53060.1; 53060.10, prisoners who request access to the law library, will receive access to the law library one time a week, for two (2) hours at a minimum.

2) I had filed the original complaint July 15, 2003 for Negligence and Intentional Tort in Superior Court, Case No. L-01506, because Officers Cebrenros, Torrent, and the California Department of Corrections and Rehabilitation(CDCR) had confiscated my legal paper work and lost some of it, as I was still in the process of appealing my conviction, and could not go forward with my appeals.

3) Through a series of sophistic maneuvers by defense counsel the Judge dismissed the case. I filed Notice of Appeal and the Notice of Designation of Clerks Transcripts on Appeal in Superior Court County of Imperial, June 21, 2006. I would turn in two (2) law library request forms a week, every thursday and sunday for access to the law library in the upcoming week,

4) Unbeknownst to me, my brother Bret Janoe, whom I had not spoken to in 20 years, found out I was housed at CSP, by accident. It is not entirely clear yet to me, but Bret apparently was involved in a identity theft scam, where he would obtain checks and money orders and alter them and try to cash them. Out of the blue checks and money orders start to arrive at CSP in an envelope addressed to, with no letters. The employees in the trust account office are so incompetent they do not recognize the checks and money orders arriving are physically altered, i.e., my name is typed and/or written over the original name printed on the checks and money orders, and these employees deposit stolen checks and money orders to my trust account. Then the employees forward the empty envelopes to me, which contained numerical notations written on them by CSP employees, with check and money order number and amounts, these employees had deposited to my trust account. I was not in a position to view the stolen checks and money orders prior to being deposited to my trust account, as they went directly to the trust account office via the United States Mail system. Based on what I thought was accurate and reliable information, the numerical notations on the envelopes, I withdrew some of the funds from my trust account. I was issued a Serious Rule Violation 115

for possession of stolen property and check fraud July 12, 2006.

5) The second week of July 2006 I received a letter from the Clerk of Appeals, Superior Court, requesting I submit a new form Application to continue in Forma Pauperis in the Appeal. I did comply, but I received another letter from the Clerk of Appeals, Superior Court the last week of July requesting another form to proceed on the Appeal in Forma Pauperis, with a six (6) month statement of my trust account activity. I did submit a request to the trust account office for a six (6) month statement of my trust account activity on July 26, 2006 and July 30, 2006.

6) I continued to submit a request for law library access form every thursday and sunday, of every week. I was trying to get ready for the upcoming Appeal. The law library is in bad shape, as hundreds of books have pages ripped right out of them, I am talking about case citations, statutes, rules of court and even the digests, state and federal. So to conduct research is a slow process, as it takes more time to locate the case citations you are looking for, if you can find them at all and then you have to shepardize them, so to formulate your arguments for your briefs. There is four (4) computer terminals in the law library on A yard facility, but unless you are the first few into the library you will not be able to get onto the computers. In the month of August 2006 I was requesting law library access with the forms every thursday and sunday, but I did not receive any law library access the whole month of August 2006. My legal research was effectively stopped, on my Appeal case no. AP-L-01506-0086.

7) I did appear in front of lieutenant Sigler, to adjudicate the Serious Rule Violation 115 for possession of stolen property and check fraud, on August 4, 2006. I plead not guilty and gave him three declarations to explain what occurred to the best of my knowledge. Lieutenant Sigler found me guilty of the charges, of possession of stolen property and check fraud, despite the complete lack of any evidence I knew anything about the stolen checks and money orders arriving at CSP trust account office. The Rule Violation was classified under California Code of Regulations Title 15 section 3323 (d) Division B offense (5) for the amount being over 400.00 dollars. Cal. Code of Regs. Tit 15. Lieutenant Sigler assessed; 150 days loss of good time days; 10 days loss of exercise yard; 90 days loss of telephone use; 90 days classified as "C" status, to mandate loss of entertainment appliance, to wit my television; and I owe CDCR 529 dollars and 52 cents. I could not be sanctioned with placement in Administrative Segregation, as the charges were not violent.

8) I received a visit from my mother on August 26, 27, 2006, so she could inform me of the death of my brother Bret, the one who was sending the stolen checks to CSP. Police found his body in San Bernardino County in July 2006. It raised more questions than it provided answers. We both were upset and trying to digest the bad news and work through the process.

9) On August 28, 2006 lieutenant Sigler issued an administrative Segregation Unit Placement Notice form, 114-D, and placing me in administrative segregation, because I was found guilty of the serious rule violation report 115, a Division B offense.

All my personal property was confiscated and taken to R&R for storage. The placement notice stated I was a threat to the safety and security of the institution, because I had been found guilty of the charges. This was nothing more than a ruse, to get me into administrative segregation, as added punishment, because I filed Inmates Appeals in CSP.

10) On September 7, 2006 I appeared in front of the Institutional Classification Committee in Administrative Segregation, with G.J. Janda as the chairperson. I explained to the committee that the person who was mailing the stolen checks (Bret Janoe) to CSP was recently found dead; consequently they did not have to worry about any more checks arriving. That the charges of possession of stolen property and check fraud were not violent; nor did I pose a threat to institutional safety or security, because the employees in the trust account office were the people who were actually the responsible individuals who deposited stolen checks and money orders to my trust account. That had the employees in the trust account office been doing their job correctly, none of the stolen checks and/or money orders would have ever gotten deposited to my trust account. That I requested to be released to general population yard pending my transfer to another prison. Mr. Janda refused my request and stated I would be retained in administrative segregation until I was transferred.

11) I still had not received the six (6) month statement from trust account activity for the Superior Court, so I submitted one more request to the trust account office on September 11, 2006.

12) I was requesting access to my legal paperwork, which was in R&R and on September 20, 2006 I was escorted to R&R to retrieve a portion of it, with respect to my upcoming appeal.

13) I submitted an Inmate Appeal on September 21, 2006 to challenge my guilt finding on the Serious Rule Violation 115 for possession of stolen property and check fraud.

14) I received Notice of filing Briefs on Appeal Pursuant to Rule 105(a), stating my opening Brief must be filed by October 4, 2006, twelve days away, on September 22, 2006. I spoke to Officer Armstrong who provided scheduling and transportation to the law library on A yard facility, for prisoners in administrative segregation, informing her of my pending appeal and a need to have the maximum amount of law library access.

15) On September 25, 2006 as I was given two (2) hours access to the law library, I gave LTA K. Raske a copy of Notice of filing Briefs on Appeal. On September 25, 2006 I submitted an Inmate Appeal requesting more time in law library. The process for the prisoners in administrative segregation, to include myself, to gain access to the law library was cumbersome, because so many prisoners would request access to the law library every week. Every Thursday Officer Armstrong would pass out the law library request forms and pick them up later on that day, and use them to schedule what prisoners would be allowed law library access in the upcoming week. Prisoners would be escorted in waist chains and leg irons to the law library on A facility yard, in a secluded room with six cages, each holding one prisoner. The prisoners off of A facility yard would already be in the law library using the books, computers, etc as prisoners from administrative segregation would arrive in the AM, five prisoners would be allowed access and five prisoners in PM

would be allowed access. The law library access would be for two (2) hours at a time. Once the prisoners would be secured in their cages, they could then turn in their request slips to Officer Armstrong, to retrieve the books they needed. Officer Armstrong would retrieve the books requested and give them to the prisoners who requested them, but sometimes the books I would request would already be checked out by another prisoner, or the pages would be torn out of the book, or the case citation I would be looking for would not be available in the law library, as they stopped updating the books around 2005 and started using four (4) computers in the law library, so to provide new case citations, statutes, and rules of Court, etc. The general population on A facility yard was the only prisoners allowed to use the computers in A facility yard law library. Not having access to the law library for several weeks was devastating to my efforts to conduct the necessary research for my pending appeal. The CSP policy for law library access for prisoners in administrative segregation is adamant no matter the situation. Officer Armstrong was not just standing right by the cage I was in waiting for me to request another book. I was requesting additional access to the law library, to conduct research, but my requests were being denied. The CSP DOM Supplement section 53060.10 specifically states, "Administrative Segregation unit inmates will have access to the mandated book collection utilizing the LEEDS computers in the designated Administrative Segregation law library room in their respective housing units", but as I have already explained inmates housed in Administrative Segregation do not have any access to the LEEDS computers.

16) On October 11, 2006 I received Notice from the Superior Court Appeal Clerk that my Appeal was in Default, because I had not yet filed the opening brief.

17) I submitted an Inmate Appeal on October 19, 2006 stating specifically, that I had an Appeal pending and requested additional access to the law library. Moreover I specifically stated my Appeal was in Default. I explained I had been denied access to the law library several weeks. The issues on Appeal were complex, i.e., 1) Were the defendants Cebreros and Torrent served a copy of complaint and summons? I was proceeding in forma pauperis in the civil complaint and had written the local sheriff office to obtain information, so they could serve the defendants, but the sheriff office never responded. I requested an individual at CSP Mr. Fecht serve the defendants, and he did. Unfortunately, I did not make sure he checked the box on the summons saying they were served as an individual defendant. Defendants Cebreros and Torrent received the copies of the summons and complaint, but their attorney was arguing since I had not checked that box on the summons, that they were not properly served. This was a clerical error and should not be allowed to defect service, pursuant to Code of Civil Procedure section 415.20. The CDCR accepted the service of the summons and complaint on them by Mr. Fecht. Defense attorney filed motion to quash service. Trial Judge granted that motion. I filed motion to reconsider and Judge denied. I filed Appeal and Notice of Designation of clerks transcripts. The Court served me with Notice of hearing date on my Appeal. I filed motion to appear in Court by telephone, but the Judge never ruled on the motion and I was never allowed to appear in Court to argue my side. So the

number 2) issue would be I was denied access to the Civil Courts? 3) Are Officers Cebreros, Torrent, and CDCR liable for the negligent loss of my legal transcripts and four forensic books? 4) Are Officers Cebreros and Torrent liable for emotional distress? 5) Is the CDCR vicariously liable under the doctrine of respondeat superior for the negligent loss of my transcripts and four forensic books? 6) Are Officers Cebreros and Torrent and CDCR liable for intentional tort for throwing my transcripts and four forensic books away? 7) Should Officers Cebreros and Torrent be subjected to punitive damages for their actions?

18) On October 26, 2006 I received Notice of Failure to clear of Default to comply with Rule 8CRC, from Superior Court..

19) I had submitted an Inmate Appeal to challenge the decision of the Institutional Classification Committee to transfer me to a maximum security 180 design facility, on October 30, 2006.

20) I submitted Notice of Motion and Motion to be transported to Superior Court; Appointment of Counsel; Memorandum of Points and Authorities; Declaration of Bobby S. Janoe. At that point I had six (6) pieces of paper and a four inch golf pencil to access the Courts. I submitted the Motion October 30, 2006, and the Judge of Superior Court never issued a ruling on the motion. This is a typical response from Superior Court Judge Jones, to not respond at all, when it came to my constitutional right of due process, to access the State Civil Courts.

21) On November 16, 2006 I received Order of Dismissal of the Appeal, because I could not file the opening brief, by Judge Jones.

22) I submitted an Inmate Appeal on November 16, 2006, so to request the law library access schedule be reviewed administratively, to make adjustments for more access. I explained my Appeal was dismissed, due to a lack of access to the law library. That I had been trying to gain additional access to the law library, but was not able to obtain any. Being denied access to the law library the whole month of August 2006, effectively stopped my legal research on my appeal and I was never able to catch up with that research, due directly to the draconian policy of the CSP administration and the limited access they allow prisoners to obtain of the law library.

Count 2: The following civil right has been violated: _____
(E.g., right to medical care, access to courts,

due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 2. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, *by name*, did to violate the right alleged in Count 2.]

Count 3: The following civil right has been violated: _____
(E.g., right to medical care, access to courts,

due process, free speech, freedom of religion, freedom of association, freedom from cruel and unusual punishment, etc.)

Supporting Facts: [Include all facts you consider important to Count 3. State what happened clearly and in your own words. You need not cite legal authority or argument. Be certain to describe exactly what each defendant, *by name*, did to violate the right alleged in Count 3.]

D. Previous Lawsuits and Administrative Relief

1. Have you filed other lawsuits in state or federal courts dealing with the same or similar facts involved in this case? ☐ Yes ☒ No.

If your answer is "Yes", describe each suit in the space below. [If more than one, attach additional pages providing the same information as below.]

(a) Parties to the previous lawsuit:

Plaintiffs: _____

Defendants: _____

(b) Name of the court and docket number: _____

(c) Disposition: [For example, was the case dismissed, appealed, or still pending?] _____

(d) Issues raised:

(e) Approximate date case was filed: _____

(f) Approximate date of disposition: _____

2. Have you previously sought and exhausted all forms of informal or formal relief from the proper administrative officials regarding the acts alleged in Part C above? [E.g., CDC Inmate/Parolee Appeal Form 602, etc.] ? ☒ Yes ☐ No.

If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No", briefly explain why administrative relief was not sought.

I submitted an Inmate Appeal September 25, 2006, to the Directors level of review.

I submitted an Inmate Appeal October 19, 2006, which was screened out at the first formal level.

I submitted an Inmate Appeal November 16, 2006, to the Directors level of review.

E. Request for Relief

Plaintiff requests that this Court grant the following relief:

1. An injunction preventing defendant(s):
 - 1) From forcing prisoners in administrative segregation number 1 and 2 to access the law library on facility yard A;
 - 2) From not allowing administrative segregation prisoners in number 1 and 2, access to the LEEDS computers, in their respective housing buildings, to include six (6) computers at each location.
2. Damages in the sum of \$ One Hundred and Six Thousand, 106.000
3. Punitive damages in the sum of \$
4. Other: To re-evaluate Calipartia State Prison DOM Operational Supplement section 53060, to re-write this DOM Operational Supplement, to ensure prisoners receive access to the law library, when necessary.

F. Demand for Jury Trial

Plaintiff demands a trial by ☒ Jury ☐ Court. (Choose one.)

G. Consent to Magistrate Judge Jurisdiction

In order to insure the just, speedy and inexpensive determination of Section 1983 Prisoner cases filed in this district, the Court has adopted a case assignment involving direct assignment of these cases to magistrate judges to conduct all proceedings including jury or bench trial and the entry of final judgment on consent of all the parties under 28 U.S.C. § 636(c), thus waiving the right to proceed before a district judge. The parties are free to withhold consent without adverse substantive consequences.

The Court encourages parties to utilize this efficient and expeditious program for case resolution due to the trial judge quality of the magistrate judges and to maximize access to the court system in a district where the criminal case loads severely limits the availability of the district judges for trial of civil cases. Consent to a magistrate judge will likely result in an earlier trial date. If you request that a district judge be designated to decide dispositive motions and try your case, a magistrate judge will nevertheless hear and decide all non-dispositive motions and will hear and issue a recommendation to the district judge as to all dispositive motions.

You may consent to have a magistrate judge conduct any and all further proceedings in this case, including trial, and the entry of final judgment by indicating your consent below.

Choose only one of the following:

☒ Plaintiff consents to magistrate judge jurisdiction as set forth above.

OR

☐ Plaintiff requests that a district judge be designated to decide dispositive matters and trial in this case.

I declare under the penalty of perjury that the foregoing is true and correct.

8/26/08
Date

Billy S. [Signature]
Signature of Plaintiff

JS44

(Rev. 07/89)

The JS-44 civil cover sheet and the information contained herein neither constitute nor support the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I (a) PLAINTIFFS

Bobby Shawn Janoe

K. Raske

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF Kings
(EXCEPT IN U.S. PLAINTIFF CASES)

CIVIL COVER SHEET

2004 1983

FILING FEE PAID
Yes ☒ No ☐

DEFENDANT
Yes ☒ No ☐

COPIES SENT TO COURT
Yes ☒ No ☐

FILED

AUG 29 2008

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY *[Signature]* DEPUTY

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Bobby Shawn Janoe
PO Box 5244
Corcoran, CA 93212
J-25333

ATTORNEYS (IF KNOWN)

'08 CV 1603 L CAB

II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- (For Diversity Cases Only)
- | | | | |
|--|--|----------------------------|----------------------------|
| PT | DEF | PT | DEF |
| <input checked="" type="checkbox"/> 1 Citizen of This State | <input type="checkbox"/> 1 Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| <input type="checkbox"/> 2 Citizen of Another State | <input type="checkbox"/> 2 Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| <input type="checkbox"/> 3 Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

42 U.S.C. 1983

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> Marine <input type="checkbox"/> Miller Act <input type="checkbox"/> Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans Benefits <input type="checkbox"/> 160 Stockholders Suits <input type="checkbox"/> Other Contract <input checked="" type="checkbox"/> 195 Contract Product Liability	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury-Medical Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 RR & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. <input type="checkbox"/> Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (13958) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 BSL (405(a)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reappointment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State <input type="checkbox"/> 990 Other Statutory Actions
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Tort to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input checked="" type="checkbox"/> 550 Civil Rights			

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23

DEMAND \$

Check YES only if demanded in complaint:

JURY DEMAND: ☐ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE

Docket Number

DATE 8/29/2008

SIGNATURE OF ATTORNEY OF RECORD

R. Moley

CR